

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

ROBERT DANIEL CLARAMUNT,

Defendant-Appellant.

UNPUBLISHED

January 11, 2011

No. 294279

Oakland Circuit Court

LC No. 2008-221122-FH

Before: CAVANAGH, P.J., and HOEKSTRA and GLEICHER, JJ.

PER CURIAM.

Defendant pleaded no contest to resisting and obstructing a police officer, MCL 750.81d(1), domestic violence, MCL 750.81(2), disturbing the peace, MCL 750.170, and malicious destruction of personal property, MCL 750.377a(1)(d). Defendant appeals by delayed leave granted the sentence of 27 months' to 4 years' imprisonment imposed for his conviction of resisting and obstructing a police officer.¹ We dismiss this appeal as moot. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Defendant challenges the scoring of offense variables 1, 2, and 19. However, defendant was sentenced on November 3, 2008, and has already served his minimum sentence. "[B]ecause defendant has already served his minimum sentence, we decline to review this issue. Where a subsequent event renders it impossible for this Court to fashion a remedy, an issue becomes moot." *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994); see also *People v Tombs*, 260 Mich App 201, 220; 679 NW2d 77 (2003).²

¹ Defendant was sentenced as an habitual offender, third offense, MCL 769.11.

² We disagree with the dissent that defendant's challenge to offense variables 1, 2, and 19 is not moot because any scoring errors could affect his parole eligibility. The Parole Board's calculation of the parole guidelines need not be consistent with the trial court's scoring of the sentencing guidelines. *Morales v Parole Bd*, 260 Mich App 29, 49; 676 NW2d 221 (2003). As the Parole Board is not bound by the scoring of the sentencing guidelines, any claim that a scoring error by the trial court affects a defendant's eligibility for parole is speculation.

Dismissed as moot.

/s/ Mark J. Cavanagh

/s/ Joel P. Hoekstra